

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAYHEEM LILLY,

Plaintiff,

v.

THE CITY OF NEW YORK; NYPD DETECTIVE MALCOLM FREEMAN, Shield No. 7049; NYPD POLICE OFFICER SOUL KIM, Shield No. 10804; NYPD OFFICER ANDREW HONG; NYPD POLICE SERGEANT DONALD CAMBRIDGE; NYPD DETECTIVE JORGE TAJEDA; NYPD DETECTIVE FRANK BATISTA; NYPD SERGEANT KEVIN WHETSTONE; JOHN DOE SERGEANT; JOHN DOES; and RICHARD ROES,

Defendants.

ORDER

16 Civ. 322 (ER)

Ramos, D.J.:

On January 14, 2016, Kaheem Lilly brought this action, pursuant to 42 U.S.C. § 1983, against the City of New York and others (“Defendants”) for false arrest and related claims. Doc. 1. On October 26, 2016, Defendants made an offer of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure for \$10,001, plus reasonable attorney’s fees, expenses, and costs incurred up to the date of the offer. Doc. 36 at 2. The following day, Plaintiff accepted. *Id.* However, the parties were unable to agree on reasonable attorney’s fees and costs. *Id.* On August 15, 2017, the Court issued a decision awarding Plaintiff’s attorney, Jeffrey A. Rothman, \$28,128.99 in attorney’s fees and costs (“August 15 Order”).¹ Doc. 36. The attorney’s fees awarded to Mr. Rothman included \$7,290 in

¹ The Court assumes the parties’ familiarity with the facts, procedural history, and holdings in its August 15 Order.

fees on fees, meaning fees for the time spent preparing his post-offer motion for fees. *Id.* at 14-16.

On August 14, 2019, the Second Circuit reversed and vacated the portion of the August 15 Order awarding fees on fees. Doc. 41. In particular, the Second Circuit held that

when a settlement cuts off a plaintiff's entitlement to attorney's fees on a specific date, a district court may not award a party attorney's fees for work incurred after that cut-off date. This includes fees for work performed preparing a fee application submitted to the district court in the event the parties are unable to agree on the attorney's fees to be awarded despite a good faith effort to negotiate.

Id. at 25. The Second Circuit's mandate issued on November 18, 2019. Doc. 42.

Accordingly, for the reasons set forth in the August 15 Order and above, Mr. Rothman is awarded \$20,838.99 in attorney's fees and costs. The Clerk is respectfully directed to enter judgment and close the case.

SO ORDERED.

Dated: April 6, 2021
New York, New York



Edgardo Ramos, U.S.D.J.